REMARKS

Claims 1-15 are pending in the above referenced patent application. Claims 1 and 12 are rejected as anticipated by Abe. Claims 2 and 3 are rejected under 35 USC 112 as being indefinite. Claims 3-11 and 14-15 are objected to as being dependent upon a rejected base claims. Claim 13 is marked as rejected, but no basis or reasoning for the rejection is set forth in the office action.

Applicants wish to thank the Examiner for recognizing in the office action that claims 3-11 and 14-15 are directed to patentable subject matter.

For reasons discussed in further detail subsequently herein, it is believed that claims 1, 2, 3, 12 and 13 are all likewise patentable. Accordingly, there would be no motivation related to patentability for rewriting any of the claims that are objected to in independent form.

NOVELTY

Claim 1

Claim 1 is rejected under 35 U.S.C. 102(e) as anticipated by Abe. In *Carella v. Starlight Archery & Pro Line Co.*, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986) the Court of Appeals for the Federal Circuit affirmed that anticipation under 102 requires the presence in a single reference of *all* elements of a claimed invention *arranged* as in that claim. Claim 1 requires *optics* adapted for focusing on a *layer* of an information storage media, and further requires an ***optical pulse*** *generator*, coupled with the *layer* though the *optics*. For example, an ***optical pulse*** *generator 103*, coupled with the *layer* though *optics* are shown in FIG. 1 of the above referenced patent application. For example, optical pulses having carefully controlled pulse duration are needed to thermodynamically drive desired physical changes in the layer during ***write*** operations. It is believed that under the reasoning of *Carella,* Claim 1 is not anticipated by Abe.

Nothing in the text or figures of Abe discloses or suggests the claimed elements of ***optical pulse*** *generator*, coupled with the *layer* though *optics*. What Abe teaches is a ***read light 3*** coupled with a *double layer disk 1. See for example Fig. 2 of Abe, and Column 3 lines 14-18 of the Abe reference.* It is believed that one with ordinary skill in the art would recognize that the ***read light 3*** taught by Abe is not an ***optical pulse*** *generator.* Indeed, there are no teachings anywhere in the Abe reference that his **read light 3** is an ***optical pulse*** *generator.* Furthermore, since ***read*** operations are not intended to thermodynamically drive any physical changes in the layer, ***read*** operations do not require the controlled optical pulses that are required for ***write*** operations. Therefore, under the reasoning of *Carella,* Claim 1 is not anticipated by Abe.

In the office action, the Patent Office asserts that FIG. 2 of Abe teaches a pulse generator. While its true that FIG. 2 of Abe shows Jump Pulse Generator 13, it is believed that this an ***electrical pulse*** *generator—not*

the required an ***optical pulse*** *generator* of the invention. Accordingly, Abe does not anticipate Applicants' claim 1.

In *Scripps Clinic & Research Found. V. Genentech, Inc., 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991)* the Court of Appeals for the Federal Circuit held that for a finding of anticipation, the prior art must be such that a person of ordinary skill in the field of the invention would consider there to be *no difference* between the claimed invention and the reference disclosure. Since Abe does not disclose or suggest any ***optical pulse*** *generator*, as that term would be understood by one with ordinary skill in the art, under the reasoning of *Scripps* Claim 1 is not anticipated by Abe.

Claim 12

Claim 12 is likewise rejected under 35 U.S.C. 102(e) as anticipated by Abe. Claim 12 requires generating a train of optical pulses, wherein each pulse has a respective pulse duration, and further requires generating an analog duration control voltage having a variable voltage amount for varying the respective pulse duration of each optical pulse in accordance with the amount. For example, with reference to FIG. 3 of the above referenced patent application, at lines 3 through 30 of page 10, and lines 1 through 28 of page of the Applicants' specification, the Applicants teach the analog duration control voltage (seventh trace in FIG. 3) having a variable voltage amount for varying the respective pulse duration of each optical pulse (last trace in FIG. 3). It is believed that under the reasoning of *Carella,* Claim 12 is not anticipated by Abe.

As pointed out previously: the ***read light 3*** taught by Abe is not an ***optical pulse*** *generator* . Furthermore, the Jump Pulse Generator 13 taught by Abe is an ***electrical pulse*** *generator—not the required* ***optical pulse*** *generator.* Additionally, Abe provides no teachings as to any analog duration control voltage having a variable voltage amount for varying the respective pulse duration of each optical pulse. Therefore, Abe does not anticipate Applicants' claim 12.

Claim 13

Claim 13 is marked as rejected, but no basis or reasoning for the rejection is set forth in the office action. Since dependent claim 13 inherits all of the novel features of independent claim 12, and since independent claim 12 is not anticipated by Abe, therefore dependent claim 13 is likewise not anticipated by Abe. Furthermore, Abe teaches reading from the media layer, not writing to the media: Abe provides no teaching as to any write strategy. Therefore, Abe does not anticipate Applicants' claim 13.

Definiteness

Claim 2

Claim 2 is rejected as indefinite under 35 USC 112. In In Re Moore 439 F.2d 1232, 169 U.S.P.Q. 236 (CCPA 1971) the court held to the effect that definiteness of claim language must be analyzed -not in a

vacuum, but always as interpreted by one possessing the ordinary level of skill in the pertinent art. Independent claim 1 recites a generator of an analog duration control voltage having ***a variable voltage amount*** ; and dependent claim 2 recites a controller coupled the generator for variably controlling ***the amount***. Since one with ordinary skill in the art would understand the language of claims 1 and 2, it is believed that under the reasoning of *In Re Moore* claims 1 and 2 are each sufficiently clear and definite to satisfy the requirements of the second paragraph of 35 U.S.C. 112. Accordingly, under the standard of *In Re Moore,* there is no requirement to define ***the amount*** any further in the claims to statisfy 35 U.S.C. 112.

Claim 3

Claim 3 is likewise rejected as indefinite under 35 USC 112. Claim 3 recites a generator of an analog temporal placement control voltage having ***a variable voltage amount*** for varying the respective temporal placement of each optical pulse in accordance with ***the amount***. Since one with ordinary skill in the art would understand the language of claim 3, it is believed that under the reasoning of *In Re Moore* claim 3 is sufficiently clear and definite to satisfy the requirements of the second paragraph of 35 U.S.C. 112. Accordingly, under the standard of *In Re Moore,* there is no requirement to define ***the amount*** any further in the claims to statisfy 35 U.S.C. 112.

If

the Examiner wishes to discuss the above reference patent application in further detail, the Examiner is invited to contact Applicants' Attorney at the telephone number listed below.

In view of the above, it is believed that Claims 1 through 15 of the above referenced patent application are each in proper form for allowance. Notice of such allowance at an early date is earnestly solicited.

Respectfully submitted,

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